REMARKS

Claims 1–24 were previously pending, of which claims 1, 5 and 13 have been amended, and claims 46–52 have been added. Support for the claim amendments can be found in the specification in at least paragraphs 23 and 26–27. Support for the new claims can be found in the specification in at least paragraphs 25 and 27–28. Reconsideration of presently pending claims 1–24 and 46–51 is respectfully requested in light of the above amendments and the following remarks.

Rejections under 35 U.S.C. § 102

Claims 1–4, 6, 13–16, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Mori et al. (US Pub. No. 2002/0143424 hereinafter referred to as "Mori"). With respect to the claims as herein amended, this rejection is respectfully traversed.

Independent Claim 1

Claim 1 as amended requires "calculating a price based in part on the level of utilization of manufacturing equipment and the level of technological complexity." By way of comparison, Mori teaches a "method for selecting a photomask manufacturer" based on "bidding data." (Mori, abstract). Thus Mori teaches a method for a purchase decision, whereas claim 1 is "A method for processing a semiconductor industry sale pricing decision."

Furthermore, Mori teaches that a "photomask manufacturer determines a degree of production difficulty based on the specifications of the photomask included in the received estimation request data, and determines the price." (Mori, ¶ 66). Thus, to the extent that Mori teaches anything about a "sale pricing decision," Mori does not teach "calculating a price based in part on the level of utilization of manufacturing equipment."

With respect to other claims, the Examiner also cited Katz et al. (US Pub. No. 2002/0178077 hereinafter referred to as "Katz"). Katz teaches "a computer-implemented system, method and process for providing value chain intelligence and the use thereof in an enterprise."

(Katz, ¶ 1). "Value chain intelligence" is used "to improve the efficiency of procurement professionals by searching, gathering, analyzing, and organizing data from a plurality of enterprise and marketplace sources, ... enabling professionals to leverage market and supply chain conditions in real time." (Katz, ¶ 11). For example, Katz teaches a "price forecasting module" that "provides the user with recommendations for purchasing items from electronic markets by evaluating electronic market prices in real time." (Katz, ¶ 177). Thus the focus of Katz is on gathering and responding to real time market prices for a purchase decision, and not on "calculating a price based in part on the level of utilization of manufacturing equipment and the level of technological complexity."

Accordingly, Applicants respectfully submit that Claim 1 as amended stands allowable over the art of record.

Independent Claim 13

Claim 13 as amended requires "calculating a price based in part on a level of utilization of manufacturing equipment and a level of technological complexity." For the reasons stated above with respect to claim 1, Applications respectfully submit that claim 13 is also allowable over the art of record.

Rejections Under 35 U.S.C. §103

Claims 5, 7–12, 17, and 19–24 were rejected under 35 U.S.C. §103 as being unpatentable over Mori in view of Katz. Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claims 5, 9–10, 17, and 21–22.

In *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that "a patent composed of several elements **is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art**. Although common sense directs one to look with care at a patent application that claims as innovation the combination of

two known devices according to their established functions, it can be important to identify a **reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does**. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP § 2142:

> *... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...*

In the present application, a prima facie case of obviousness does not exist for the claims as herein amended.

MPEP 2143.03 states that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art" (quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970)). In the present matter, however, the Examiner has not shown that all words in the claim have been considered.

Claim 5 and 17

Claims 5 and 17 each recite "wherein the pricing decision is provided to the customer and the account sales." With respect to his claim, the Examiner cited to "Customer Relationship Management (CRM) systems [that] preferably include proprietary information about customer relations." (Katz ¶ 44, emphasis added.) Thus Katz teaches a "CRM" system that includes proprietary data on customers. The cited portion does not disclose that the proprietary information is "provided to the customer and the account sales," and it would not be obvious to one of skill in the art to provide such proprietary data to those who may be outsiders, such as

"customers and the account sales." For at least this reason, Applicants respectfully submit that Claims 5 and 17 are allowable.

Claims 9-10 and 21-22

Claims 9 and 21 each require that "regional information is added to the case document before the case document is provided to the case analyzer." Claims 10 and 22 each require that "the regional information includes data on the financial impact of the pricing decision." With respect to these claims, the Examiner stated:

> Katz et al. discloses when an internal or external event occurs, directly affecting the purchase and/or sale of an item, and/or decisions regarding procurement, sourcing, strategic sourcing, and other business processes, the system understands the event, correlates the event with the aforementioned processes, automatically invokes one or more software modules, which make recommendations and send alerts to users about the potential impact of such an event. Components for implementing this method consist of internal data collection components, external data collection components, data integration components, and data application components. Various methods for searching, extracting, transforming, integrating, analyzing, and representing both data internal to an enterprise and data external to an enterprise are also disclosed (abstract).

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness because the examiner has not considered the requirement that "regional information is added to the case document." For example, the cited portion of Katz does not discuss or even suggest "regional information." Katz's vague statement about "searching, extracting, transforming, integrating, analyzing, and representing" data is far too general to teach or suggest the specific requirement that "regional information is added to the case document."

Furthermore, it is submitted that the examiner has not considered the requirement that "the regional information includes data on the financial impact of the pricing decision." For

example, the cited portion of Katz discusses responding to "an internal or external event" by "send[ing] alerts to users about the potential impact of such an event." (Katz, abstract.) The cited portion of Katz does not teach or suggest that an entity's own pricing decision is an "event." Instead, Katz teaches that "alerts preferably reduce the latency period in decision-making by informing users of key events, such as component shortages, price shifts, supplier problems, and schedule changes...." (Katz, ¶162.) Thus, Katz contemplates that "decision-making" is distinct from, and follows after, an "event." In any case, the cited portion of Katz merely suggests sending an alert about an event (and hence *after* the event), whereas Applicants' claim states "regional information is added to the case document before the case document is provided to the case analyzer."

Finally, the cited portion of Katz does not disclose that any aspect of the "alert ... about the potential impact" is "regional." Accordingly, the cited portion of Katz does not teach or suggest that "regional information is added to the case document" "wherein the regional information includes data on the financial impact of the pricing decision."

For at least these reasons, Applicants respectfully submit that Claims 9–10 and 21–22 are allowable.

Dependent Claims 2–12 and 14–24

Dependent claims 2–12 and 14–24 depend from and further limit independent claims 1 and 13 and therefore are deemed to be patentable over the cited art.

New Claims 46–52

Claims 46–52 have been added and are deemed to be patentable over the cited art for at least the reason that they depend from and further limit allowable claim 1.

Conclusion

An early formal notice of allowance of claims 1–24 and 46–52 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,

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